THE COURTS.

Argument on the Templeton Writ of Error.

INTERESTING POINTS MADE.

Decision Rendered in the Kelley-Taintor Libel Suit

RAILROAD CORPORATION RIGHTS.

Verdict Rendered for the Baroness Fraloff.

In the United States Circuit Court yesterday, before Judge Benedict, the following persons were sentenced:—Louis Borero, for manufacturing cigars without a license, was sentenced to three months' imprisonment and was fined \$100; George Brows, for smuggling watches from on board the steamship Eappt, two months and fined \$1,000; Blas de Bouchet, who pleaded guilty to selling smuggled organites, thirty days' imprisonment.

A suit brought against the city by Charles H.

Haskins for payment of \$3,800 for publishing the official canvass of 1870 in the Ratheau News was tried yesterday before Judge Loew, of the Court of Common Pleas. A dismissal was ordered on the ground that the advertisement was not authorized by the city.

The stolen Philadelphia jewelry case, in which

John Brennan sought to obtain \$24,300 from Henry Goodstein, because some of the stolen property was alleged to have been traced to his possession, was concluded yesterday before Judge Van Vorst. in Supreme Court, Circuit, and resulted in a disagreement of the jury. Subsequent motion was made to reduce the defendant's bail, which was set down for a hearing on Monday next.

The action brought by the broker, Eugene Kelly, gradually reaching a focus. In the proceedings pending in the case, before Judge Sutherland, referee, the Vice President and Secretary of the company were yesterday compelled to make a Schultz, receiver and sequestrator. The latter has now temporary legal possession of the estate, and an exciting and prolonged legal controvers; promises to ensue for its permanent possession.

THE TEMPLETON WRIT OF ERROR APPLICATION FOR A NEW TRIAL OF DUNCAN D. TEMPLETON FOR WOUNDING HIS WIFE WITH A PISTOL—ARGUMENT UPON THE WRIT OF ERROR IN THE SUPREME COURT, GENERAL

Duncan D. Templeton was convicted in the Court of General Sessions, before Recorder Hackett, of a Telonious assault upon his wife, Ida Mand Templeton, on the 15th of October 1873, on shot her, as will be remembered, with a pistol, the ball entering her neck and embedding itself in the jawbone. On this verdict Templeton was sen-tensed to State Prison for seven years and six months. There was no dispute as to the facts. The only defence which counsel sought to set up was that of insanity. Various exceptions, however, were taken during the trial, these relating principally to the rulings of the Court, upon challenges to jurors, to admissions and exclusions of syldence and to the Recorder's charge. The case

was carried up on appeal to the Supreme Court, General Term, where it came up for argument yesterday. Judges Davis, Brady and Daniels being prisoner's behalf at the trial, made a lengthy and corent argument in favor of the prisoner. He urged as his grounds for reversal of the judgment, first, the exclusion by the Recorder of question propounded by the prisoner's counsel to jurors, on challenge of their indifference; second, the exclusion by the Recorder of question propounded by the prisoner's counsel to the witness, Henry W. Depuy, as to his conclusion of the prisoner's state mind during the ten days preceding the shooting: third, the exclusion by the Recorder of question but by the prisoner's counsel to the witness, Orville N. Adams, as to his reason for avoiding the prisoner; fourth, the admission by the Recorder of parol evidence upon the part of the prosecution as to the con-tents of a letter written to the prisoner by his wife; fifth, the admission, by the Recorder, of tes-

timony introduced upon the part of the prosecution, for the purpose of impeaching the credit of one of their own witnesses; sixta, the exclusion, by the Recorder of questions asked by the recorder of the witness, Dr. Meredith civilor; seventh, the charge of the Recorder, "that no rehance in this case should be placed on Dr. Clymer's (all expect) testimony, the jury laving as much capacity to determine upon that an Dr. Clymer's eighth, the retusal of the Recorder of the prisoner's counsel, that "a person of possession of the Recorder of the prisoner's counsel, that "a person of possession of their existence, against all evidence and probability, and conducting named in possession of their existence, as cars as such facts and introduced in the return of their existence, is, so jar as such facts and introduced in the return of their existence, is, so jar as such facts and introduced in the argument was that retaining the testimony of none-experts. He insisted that the rule, fairly deducible from the admirties, is that a wisness who is not an experiman, after having detailed to the jury the different actions of the accissed he had observed and the different conviction he arrived at it is own major and the conviction he arrived at it is own major and the conviction he arrived at it is own major and the experts and non-experts as to the admission of the accissed he had observed and the experts and non-experts as to the admission of the accissed he had observed and the silens as to whether at such times the accused was rational or irrational. The distinction between the same and the prosecution to introduce was rational or irrational. The distinction between the experts and non-experts as to the admissional or irrational, and the strength of the resonance of the reson

sigma of a felon attach to this young man or his lamily.

Assistant District Attorney Rollins, in his argument in opposition, insisted that there was no error in the ruling of the Court on the challenge of jurors, inasmuch as their opinions on insanity were not a proper subject of investigation upon the challenge, and the Court was not down to permit any interrogations relating to that subject, the next discussed various exceptions to the rulinus of the courts upon questions of evidence, and then reviewed the charge of the Recorder. He insisted that no case had been made out on the other side, and that the judgment and convictions should

be affirmed. It was a lengthy and technical, but concise and able, argument. The Court took the papers, reserving its decis-

THE KELLY-TAINTOR LIBEL SUIT. At about the time of the late Mayor Havemeyer's attack upon ex-Sheriff Kelly a letter appeared in the New York Tribune over the signature of Henry F. Taintor, an examiner of accounts in the Comptroller's office, relating to the ex-Sheriff's official career, to which the latter took exception and brought suit for libel. A demurrer was interposed to the answer, it being claimed that certain portions should be stricken out as freewant, and opon this demurrer there was a lengthy argument etore Chier Justice Moneil, holding Special Term of the Superior Court. A decision was rendered in the case by Judge Monell yesterday, partially sustaining the demurrer and overruing portions of it. The opinion is quite lengthy, and has been prepared with the Chief Justice's usual care and

of it. The opinion is quite lengthy, and has been prepared with the Chief Justice's usual care and ability.

In regard to the matters set up in the defence, that under the lacts stated the communication was privileged and that the alleged libelious matter was true, Judge Monell holds that the facts stated do not bring the alleged libelious matter within any of the classes of privileged communications, and that it does not relate to any legislative or judicial proceeding, nor is it a private communication which may sometimes be published under some peculiar duty or privilege of condidence. After stating that in respect to legislative or judicial proceedings it is provided by statue that a fair and true report shall not subject the reporter to an action, he goes on to state that the matter alleged by the defendant did not relate to any public proceedings. "The charges were," the opinion continues, "that the plaintiff had been implicated in certain frauds, by which the city had been defrauded of large sums of money. It is not alleged that any criminal proceeding or civil action had been commenced against the plaintiff in respect to such alleged trauds, nor that in any way it had been made the subject of any judicial legislation or other public or private investigation. The charge therefore must be presumed to have smanated directly from the defendant, and he must be held responsible unless he can justify its publication by establishing its truth. He cannot claim that it was privileged. The matter stated, however, it it failed to justify the libel, might be given in evidence to mitigate the damages in it had been pleaded for such a purpose." * * * The truth of the matter compliance of is averred according to the itrue intent and meaning thereof." That must be, of course, according to their legal signification of the matter it is true, and the de-iention of law. The interpretation cannot be governed or controlled by any indden or intended meaning of the defendant." He holds, further, that the demurrer is not well ta

THE BARONESS FRALOFF'S LACES. The jury empannelled to try the action brought by the Russian Baroness, Olga de Majuta Fraloff. Railroad Company, and in which damages for the alleged loss of a large and valuable quantity of laces was laid at \$75,000, came into Court yesterday morning, at eleven o'clock, after a night's deliberation under lock and key, and gave in a sealed verdict for \$10,000. There was considerable discussion among the jurors as to the claim of the plantiff for a heavy verdict, which, however, resulted in a kind of compromise verdict. This is the second trial in the case, the jury in the former one having disagreed. Neither the Baroness nor the defendants are satisfied with the result of yesteroay's verdict, and a motion was made to Judge Wallace for a stay of judgment to enable the latter to prepare a motion for a new trial.

THE JUMEL CASE On Tuesday last in the United States Supreme Court, at Washington, a motion was made by Mr. O'Conor, of counsel for Mr. Chase, to have the two appeals in the Jumel matter from the judgments Southern district of New York heard together. If called in their regular order on the calendar the first one would be reached late in the spring, and the second one about a year later. Mr. Sawyer opposed the motion on behalf of Mr. Bowen. The Court, after hearing the argument, took the papers and reserved its decision.

MILE JUVIN SENTENCED. Mile. Leoni Juvin, who, it will be remembered, smuggled into this port a large number of silk dresses, was called up for sentence yesterday in the United States Circuit Court, before Judge Benedict, who, in passing sentence, said that her senedict, who, in passing sentence, said that her case was one of deliberate smuggling for commercial purposes. He had heard from the government officera that she was dependent upon her lather and other relatives. The loss of her goods was, no doubt, a great one, and she had been imprisoned for some time already. He then sentenced her to pay a fine of \$2,000 and to three months? imprisonment, the time which she had gready been confined to be deducted from that period.

MARINE COURT. PORCIBLE EJECTION FROM A RAILWAY TRAIN JUSTIFIED BY A VERDICT.

Before Judge Alker. Hudson River Railroad Company.—The plaintiff is an Episcopal clergyman, now in charge of the Pacific Mail Steamship Company's church at Aspin-wall. In October, 1873, he was attending a convoin company with the Rev. Mr. Moore, took the two o'clock train, he having purchased a ticket for Manhattanville, paying eighteen cents, while Mr. Moore paid twenty five for one to Thirtieth street. On the way down the plaintiff changed his mind and concluded to come down all the way so as to consult some books at the Theological Seminary Library, and when the conductor came round for tickets after leaving Manhattanville, told him of his intention, handing him seven cents. The conductor demanded five cents more; whereupon plaintiff-as he says-explained that his friend had only paid twenty-five cents, and this seven added to the eighteen aiready paid would make up this amount. The conductor replied that he would have to pay the additional amount or leave the car, which plaintiff refused to do. The conductor car, which plaintiff refused to do. The conductor then rang the bell and stopped the train, when plaintiff said that he would pay; but the conductor, without beeding him, had the train stopped, called in three brakemen and ejected him with great violence at Eigntieth street, whence he had to walk to Fifty-ninth street. He says he was too late to transact his business in the city, never completed a course oi lectures which he was about to read up for that afternoon, and claims \$1,000. His companion, Mr. Moore, corroborated plaintiff's testimony, but giving more in detail the controversy with the conductor, which he stated was quite violent, saying that the plaintiff refused to pay the additional lare, characterizing it as an imposition. Plaintiff's counsel read to the Court the statute which compels a conductor in such a case to put the passenger off either at a usual stopping place or near some dwelling house. On behalf of the company the conductor testified that on being offered the seven dwelling house. On behalf of the company the conductor testified that on being offered the seven that he then explained to him that the twenty-five cent tickets were a special arrangement, thirty cents being the regular fare; that on plaintiff still refusing he was told that he would have to leave the train if he did not pay; to which he replied, bracing himself in his seat, "If you want me to go out you will have to put me out;" that he then, after the train was stopped, with the assistance of one brakeman, led him to the door, when he stepped off, saying, "I will make you pay for this." The Court charged the jury that if unnecessary violence was used, if the conductor refused the fare at any time before stopping the train, or if plaintiff was ejected at a place not within a reasonable distance of a habitation or usual stopping place the plaintiff was ejected at a place not within a reasonable distance of a habitation or usual stopping place the plaintiff was ejected at a place not within a reasonable distance of a habitatio then rang the bell and stopped the train, when

FALSE IMPRISONMENT. Before Judge Gross.

Rosa Haymon sued Henry Cayle for false im prisonment, laying her damages at \$1,000. It ap-peared that on the 31st of December last the plain-tiff, who, with her husband and three children boarded with the defendant in Wooster street. was locked in her room by the defendant, or his servant by his instructions, and detained there servant by his instructions, and detained there against her will for some time, preventing her from vacating his premises. Detendant's testimony was, that being informed she was removing some of his goods he started for a police officer to restrain her, and he gave directions to his cook not to allow her to move any parcels until he returned; whereupon the cook torned the key in the door and locked the plaintiff. The decendant was corroborated in his testimony by his cook, who swore he locked the door. At the close of the testimony the Coart submitted the case to the jury as a question of lact, charging that if the plaintiff was restrained of her inberty, only for a moment, through the act of the celendant, or by his authority, she was entitled to a verdict, which should be commensurate with the amount of mental anguish she suffered during her incarceration. Verdict for plaintiff, \$10. DECISIONS

SUPREME COURT—CHAMBERS. In the matter of Smith; in the matter of Sellon et al.; in the matter of Smith; in the matter of Sellon et al.; in the matter of Yates.—Granted.

Brock vs. Wilkins et al.; Russell vs. Russell; Schlosser vs. Licentensieln et al.—Memorandums. Corbin vs. Knapp; Price vs. Wilcox & Gibbs Sewing Machine Company.—Actions denied.

Skidmore vs. Schedel.—Heierence ordered.

Park National Bank vs. Oakley.—Taxation amrimed.

SUPERIOR COURT-SPECIAL TERM. By Chief Justice Monell.

Kelly vs. Taintor.—Judgment for plaintiff on demurrer to the sixth and seventh defences, and for defendant on demurrer to the eighth defence.

By Judge Sadgwick.

Howland vs. Smith.—Notice of settlement to be

Dow et al. vs. Darragh.—Order settled. COMMON PLEAS-SPECIAL TERM.

Naumann vs. Ryan.—Report confirmed, with \$10 costs and \$51 25 for disbursements.

Smith vs. Smith.—Judgment and findings with Clerk of Equity.

Fredman vs. Stuart et al.—Injunction continued until final payment. Cause to be heard in February

By Judge Robinson.
Upton vs. Upton.—Divorce granted to plaintiff.

COMMON PLEAS-EQUITY TERM. Meister vs. Wehner .-- Decree filed.

COMMON PLEAS-GENERAL TERM. By Chief Justice Daly and Judges Robinson and Carter vs. Otterson.—Argued and judgment

Kelly vs. Mack et al.—Argued and judgment re-versed. Report of referee set aside and case sent back to be tried by a jury.
Williams vs. Godkind.—Argued and taken on submission.

Dixon vs. sobiffer.—Off on payment of \$10 costs.

Stewart vs. The Mayor, &c.; McGown et al. vs.

Sinclair et al.—Off term.

COURT OF GENERAL SESSIONS. Before Judge Sutherland. THE DISORDERLY HOUSE REEPER IN PRISON AND

Assistant District Attorney Nolan moved for sentence upon Saran E. Myers, who was convicted of keeping a disorderly house in Wooster street. Mr. A. Oakey Hall submitted considerations why

the Court should treat the defendant lepiently.
He called Judge Sutherland's attention to the He called Judgo Sutherland's attention to the scandaious conduct of Fox and Glisey, who followed Mrs, Myers to the Tumbs, and also to the fact that she has a young child which needs her daily care. Judge Sutherland in disposing of the case denounced in strong terms the unmanly conduct of the witnesses for the prosecution and remarked that Mrs. Myers was delended by two of the ablest counsel at the bar, Mersrs, Hull and Kintzing. His Honor sentenced Mrs. Myers to the City Prison for lour months and to pafa fine of \$250. BURGLARY

Francis White pleaded guilty to burglary in the second degree. The complaint set out the fact that on the evening of the 30th of December he entered the dwelling house of Mrs. Annie M. Ryan, No. 261 West Forty-first street, by means of a false key. He was caught in the act of emptying the contents of a bureau drawer. Judge Sutheriand sentenced White to imprisonment in the State Prison at hard labor for eight years. CONFESSIONS AND SENTENCES.

James Williams, against whom were eight charges of larceny, pleaded guilty to two indict-ments. One charged that on the 29th of December he stole two cloth coats, valued at \$100, the property of Dr. W. P. Ackerman, and the other stole from Edward C. Harwood two costs, a doze stole from Edward C. Harwood two costs, a dozen pairs of kid gloves and a pair of glove buttons, the argregate value being \$210. His Honor sentenced Williams to the State Prison for ten years—five years on each indictment.

Robert Daiy pleaded guilty to snatching three \$100 bills and a note for \$50 on the 21st of December from a boy named Louis A. Vanderwinter while he was counting it in the Ninth National Bank. The Judge said that this was a bold theit, and sentenced Daly to the State Prison for four years.

and sentenced Daly to the State Prison for four years.

James McCloskey pleaded guilty to larceny from the person. On the 27th of December he stole a watch worth \$10 irom Frederick Ellenberger in Spring street. Three years' imprisonment in the State Prison.

Antonio Martini pleaded guilty to an attempt at grand tarceny, the indictment charging that on the 25th of November he stole two shawls, an operaglass and a sik handkerchief, worth \$89, the property of Charles A. hierritt.

A similar plea was accepted from Thomas Reynolds, who was charged with stealing on the 25th of November a watch and chain valued at \$200, belonging to Thomas Tomlinson.

These prisoners were each sentenced to the State Prison for two years and six months.

ALLEGED CONSPIRACY BY : LAWYER. Late in the afternoon Charles Sacia, who is lointly indicted with Marcus T. Sacia (his son) and William H. Walker for alleged conspiracy, was placed at the bar. Mr. Mott, his counsel, asked that a preliminary question might be passed upon by the jury-namely, whether the accused was now sufficiently same to be able to properly conduct his defence. A jury was sworn to try that issue, and Mr. Mott called Mrs. Augusta Lewis, the baif-sister of the prisoner, and Mary E.

Lewis, the basissister of the prisoner, and Mary E. Sacia, who testshed that several members of the family died in a lunatic asylum. They enumerated names, acts and conversations of the accused, which ied them to believe that he was not in his right mind. He had been a practising lawyer for years, but they did not consider him fit to transact business during the last three or four years.

John Quinn, the Warden or the Tomos, testified that Sacia became his prisoner about the 1st of September, and that a month syo he attempted to commit suicide in his ceil by cutting his throat; he appeared to be very despondent, but was always quiet and not violent in temper.

Dr. Avery, of Jersey City, was examined at great length as to the mental condition of the accused. He had frequently complained of noises in his head, and, judging from exhibitions which he had seen on the ferryboat and other places, he concluded that Mr. Sacia was laboring under dementia, and unable to transact ordinary business.

Judge Sutherland, in his charge to the jury, made some pertinent observations upon the desence of insanity by persons accused of crime, and intimated that physicians, as a general thing, were incapable of forming a more correct judgment as to the sanity or insanity of an individual than intelligent laymen.

The jury, after deliberating three-quarters of an hour, returned a verdict that he was insane. The Court directed the unfortunate old man to be remanded to the Tombs till Monday, when the order directing him to be sent to the State Lunatic Asylum will be made out.

MORE SENTENCES.

William Campbell pleaded guilty to an attempt at grand larceny. The allegation was that on the 30th of December he stole a watch and chain soth of becember he stole a watch and chain, valued at \$120, irom the room of Paulina Metz. In consequence of his previous good character he was sent to the Penitentiary for one year.

Peter Costello, who was charged with stealing-eleven pairs of blanksts, worth \$30, on the 19th of December, the property of Meyer Hoffman, was sent to the Penitentiary for four months, it being his first offence.

William McKenzie, Jr., pleaded guilty to an attempt at grand larceny. He stole \$350 in money from his lather. The prosecuting officer informed the Judge that the Grand Jury regretted the necessity of finding the bill, and, as a conjecterate got the money, His Honor sentenced McKenzie to the City Prison for one month.

The same sentence was passed upon John Smith, a little newsooy, who was convicted of petit larceny in stealing a silver watch on the 29th of December, belonging to John Kealy, from an office in Broadway.

Henry Russell, who was charged with stealing a beaver coat, on the 19th of December, from Peter J. Scott, pleaded guilty to petit larceny. There were mitigating circumstances, which led His Honor to sentence Russell to the City Prison for ten days. valued at \$120, from the room of Paulina Metz. In

THE TOMBS POLICE COURT.

WOMAN CHARGED WITH AN ATTEMPT AT MUR-DER-A BOY RURGLAR'S CONFESSION-"ED" HAGGERTY, THE CONFIDENCE MAN, CAPTURED. Minnie Mitchell, a Scottish lass, who resides at No. 44 Baxter street, was arraigned jesterday before Judge Kubreth, at the Tombs, by Officer Glinn, of the Sixth precinct, on complaint of Jacob Williams, of the same residence. Jacob charges that on Thursday Minnie struck him on the head with the sharp end of an axe, with the intent to take his life. The belligerent Minnie was held in \$1,000 to answer and Jacob was committed to the

\$1,000 to answer and Jacob was committed to the House of Detention.

Officer Dorsey, of the Sixth precinct, arraigned Jonn Golden, of No. 37 Park street, printer, and Thomas Donohue, who were charged by Simon Herburger, of No. 528 Pearl street, with burgiary. The complainant, in also affidavit, claims that on the night of January 15 has stable, at the above number, was foreible entered by wrenching off the lock of the outer door, and three deer skins were stolen therefrom, that Officer Rieman, of the Fourth preclict, found a portion of the property in the custody of the prisoners, and that Golden, who is only eighteen years of age, concessed that he and bonohue had committed the burgiary. Golden admitted to the Judge that he stole the skins; but cented the charge of burglary. He was held in \$1,000 to answer, and there being no testimony against Donohue he was discharged. Edward Haggerty, the celebrated confidence

man, whose picture has long been in the thieves' galiery, was arraigned yesterday before the Judge by Detective Sievens, of the Frith precinct, on complaint of Thomas Smith, of No. 428 Canal street, who charges that on Thursday evening Edward and two companions entered the above premises, when Hagaerty engaged him in conversation, while the others stole a coat worth \$65. Hagaerty was committed for examination.

Bernhard Feigman, of No. 236 East Seventy-fourth, street, yesterday made a complaint against Raphas M. Seldis, of No. 132 Elizabeth street, a former partner of his, with the larceny of \$84 worth of doli muits, with the larceny of \$84 worth of doli muits. The property, he alieges, was let in Seldis' custody while the complainant was absent, and was missed on his return. A portion of it was found in defendant's possession, and he was committed for trial to the General Sessions.

Sessions.

The somewhat celebrated James Coburn, whose arrest by a detective on Thursday night, for drawing a pistoi upon one Burns, was mentioned in the papers of yesterday, was arraigned on the charge of felonious assault, but was discharged, the complainant refusing to make a complaint.

COMMISSIONS OF APPEALS. DECISIONS.

ALBANY, Jan. 16, 1875.

Decisions were rendered by the Commissions of Appeals to-day as follows:—

Judgments affirmed, with costs,—Woodworth vs. Cook: Puray vs. The New York and New Haven Railroad Company; Kingsbury vs. Westialis; Hao vs. Daly; Dennis vs. Coman; Woodhull vs. Rosenthal; Wyne vs. The Marine National Bank. of New York Harker vs. Seaman; Grecory vs. Lindsay; Young vs. The Phænix Insurance Company, of Brooklyn; Smith vs. The City of Albany; Acheson vs. The New York Central and Hudson River Railroad Company; Pease vs. Smith; Leary vs. Miller; Freer vs. Denton, Administrator, &c.; Kenney vs. Linch; Dunning vs. The Ocean National Bank, of New York: Harris vs. The Delaware. Lackawanna and Western Railroad Company; Todd, Administrator, &c., vs. The City of Troy; Squires vs. Abbut; Bitter vs. Rothman; Noble vs. Queerpel; Osgood vs. Maguire; Reamer vs. Lockwood; Dwyer vs. Conger; Lyon vs. Yates; Westcott vs. Fargo; Vilman vs. Schall; Fitch vs. Rathbun; Greentice vs. Rosenstock; Galiup vs. Albany Railway Company; Piney vs. Glens Falls Insurance Company; Lyon vs. Odell; Swift vs. Prouty; Rider vs. White; Burbank vs. Fay; Cole vs. Tyler; Kidd Foundry and Steam Engline Company vs. Galley, Haviland and Wenie; Butler vs. Wenle (six cases in all); Haviland vs. Wenle (four cases in all); Haviland vs. Wenle (four cases in all); Spelman vs. Wehle; Spelman vs. Wehle; Place vs. Minster; Hildebrand vs. Crawford; Edwards vs. Noyes; Scott vs. Delabunt.

Judgment affirmed by default, with costs.—Elston vs. Murray.

Judgment reversed and new trial granted, costs to abide event.—Geotchens vs. Matthews; Dempsey vs. Kipp; Matthews vs. Codey; Morrow vs. Freeman; Wilson vs. Edwards; Boylestone vs. Freeman; Wilson vs. Edwards; Decisions were rendered by the Commissions of

pany.
Ordered against plainting with costs.—Platt vs. Woodruff;
Crane vs. Knubel; Lamont vs. Cheshire; Eidridge Crane vs. Knubel; Lamont vs. Cheshire; Eldridge vs. Strong.

Order reversed and judgment of Special Term affirmed, with costs.—Mitcheli vs. Mitcheli.
Order affirmed and judgment ordered for the defendant upon the verdict, with costs.—Cook vs. Harris.
Order affirmed and judgment absolute rendered against the appellant, with costs.—Follon vs. Secor.
Order affirmed and judgment absolute ordered against the delendant, with costs.—Quackenboss vs. Edgar.
Judgment modified so as to reduce the recovery to "on ponalty and excess of fare paid," and

to "on ponaity and excess of are paid," and affirmed as thus modified, without costs of appeals to this Court to either party,—Barker vs. Ine New York Central and Hudson River Railroad Company; Garden vs. Same.
Reargument ordered.—Roggen vs. Avery.
Not decided.—Humiston vs. Hay; Dennis vs.

Ryan.

Passed.—The Board of Supervisors of Delaware County vs. Foot; City of Watertown vs. Fairbanks; Samson vs. Rose.

THE HOBOKEN BANK DEFALCATION.

CONTINUATION OF THE TRIAL OF KLENEN-THE CASE CLOSED ON BOTH SIDES.

The trial of Frederick Klenen, secretary of the Hoboken Savings Bank, for detaloation, was con-tinued in the Court of Quarter Sessions at Jersey City yesterday.

Harvey Fisk, of the firm of Fisk & Hatch, New

York brokers, was sworn and testified:-I am a banker; deal in United States bonds and other securities; I know Mr. Heusman, treasurer of the Hoboken Savings Bank; sold him bonds on December 28, '73; Mr. Heusman purchased \$60,600 nvc-twenty bonds—\$40,000 were registered bonds and \$20,000 coupon bonds.

Mr. Snepherd, who was President of the Bank

when the detalcation took place, testified :- Mr. Klenen was Secretary of the bank while I was the bonds; when I gave him the bonds to record them he said he would do so: Kienen was never authorized to dispose of the bonds; the bonds were not sold by the bank up to the day they were missed; it was in no part of Klenen's duties to

missed; it was in no part of Klenen's duties to dispose of United States bonds.

Mr. Huesman recalled:—The cash book used by Klenen remained in use after his flight; in the cash book the receipts are entered as to cash receipts and expenditures; no entry of bonds was recorded in the cash book; I did not have the combination of the bank saic.

Mr. S. B. Dod recalled:—These are the bonds I received from Mr. McDonough; these bonds were not to my recollection before the Grand Jury.

District Attorney Garretson offered the bonds in evidence, and the prosecution rested.

Mr. Abbett then opened the case for the defence. He asked the jury not to judge the case by newspaper reports or by common report, but by the evidence, He contended that many persons had access to the sale where the bonds were deposited in the bank at Hoboxen. The trunk in which they were found in London was not traced to Klenen.

Mr. Keasbey replied for the State. He animaliverted on the fact that the counsel for the defence declined to put their client on the stand so that he might reture the charges against nim.

Counsel on both sides announced that the case closed acre and the Court was addourned till Monday morning, when Judge Hoffman will charge the jury.

ST. JOHN'S GUILD RELIEF FUND.

The following additional contributions have been received by the Rev. Alvah Wiswall, Master of St. John's Guild, No. 52 Varick street, and paid over to Andrew W. Leggat, Almoner :-

over to Andrew W. Leggat, Almoner:—
THROUGH W. R. TRAVERS.
From N. O. and colidren.
THROUGH ARNOLD, CONSTABLE & CO.
J. H. McKlim.
SENT TO THE GUILD OFFICE.
Paris, Allen & Co.
Campbell.
Cash.
George V. Ammerman.
Bramhail, Dean & Co.
N. E. Reddish.
F. T. Skelton. "special".
E. Butterick & Co.
Burt & Mears.
Hinck Bros.
J. White.
F. de B. & Co.
Charity.

Grand total. \$4,027
Contributions are earnestly solicited at once, and may be sent to the Herald office, Mayor Wickham, or to the Rev. Alvah Wiswall, Master, No. 52 Varick street.
Also the following articles have been received:—
From Carroll street. Brooklyn, one package of clothing.

From Carroll street, Brooklyn, one package of clothing.

Wilson & Gibson, one package of fiannels, witham P. Yahialee, one piece of calico.

Mrs. Hars, one package of clothing.

W. H. Rowe, one package of clothing.

A. B. Cowman, one package of clothing.

Through the New York Herald, one large package of clothing.

THE JERSEY RAILROAD SLAUGHTER. SENTENCE PASSED ON M'CLELLAND FOR MAN-SLAUGHTER.

John S. McClelland, the telegraph operator on

the Pennsylvania railroad, who was convicted of manslaughter in the Court of Quarter Sessions at Jersey City for baving by criminal carelessness allowed two trains to collide, resulting in the loss of three lives, was called up for sentence yesterday. Judge Hoffman, addressing the prisoner, said that very strong appeals had been made in his behalf to the Court. In consideration of his previous good character the Court would act lenently, although the terrible consequences of his criminal negligence called for the severest reprobation. The Court then remitted the penalty of imprisonment, and imposed a fine of \$250 and costs. The prisoner, who is a quiet young man of respectable appearance, was quite overcome by this unexpected clemency. THE STATE BANKS.

Report of the State Banking Department.

FREE BANKING.

The Doctrine for Hard Money Discussed.

The Old System in the City of New York.

Superintendent Eilis, of the State Banking Department, has just submitted to the Legislature his annual report. The following summary contains the main features of the report :-

on the ist of October, 1874, the number of banks organized under State laws and reporting to the department was eighty-one. At the same date in 1873 eighty State banks were engaged in business. Five banking associations were organized during the uscal year. Three of the new banks are organized under the law of 1874 (chap. 126), with less than one hundred thousand dollars capital. Four banks have closed during the year. Three of these went into liquidation voluntarily, the fourth failed.

Condition of the State banks, September 13, 1873:—

Capital. \$26,95,890
Loans and discounts. 71,073,544
Due depositors. 70,733,491
Condition of the banks, September 26, 1874:—

Capital. \$20,338,290
Loans and discounts. 66,445,729
Due depositors. 62,471,306
Total resources 111,163,340
The diminuation in capital is trifting during the year.

curriles deposited by the banks; only \$23,000 now remain, these having been deposited many years ago.

The State once prohibited private banking to the extent of establishing offices for discount and deposit, without chaiter by the Legislature. But in the end it was thought that the prohibition was too harsh, and an interference with the freedom which should be permitted in business. The restraining act was, therefore, repealed. But a condition is now found to exist which seems to call for legislation, in order to remedy what threatens to become an unsafe and too extended kind of "banking" in the State. This is the practice of individuals or copartnerships, who are in the "bank" or brokerage business, of taking such a title as to give the idea to the public that their "bank" is a chartered institution. There are now in the State wenty-five or thirty "private" banks which have assumed names that give to the world the strong presumption that they are incorporated. It is a question which deserves the consideration of the Legislature whether the assumption of such specious and deceptive titles as those named by purely private bankers and brokers should be permitted; whether it is just to the associated banks to allow this practice; whether it is sound banking to remain passive and submit this substantial overthrow of the rules and methods of banking which experience has indured as needial and salutary.

Under the law passed at the last session of the Legislature (chap. 324, Laws of 1874) reports were made on the 30th of June last by twelve moneyed corporations, variously styled trust, or loan or indemnity, or guarantee, or mortgage companies. These reports show that the companies have an aggregate capital of \$11,752,040. Their deposits amounted to \$33,549,764, a sum which is nearly three-filts as much as the entire deposits held by the State banks.

The rutio of increase in the number of State banks has been less for the current year than heretofore. The reason is obvious, it may be lound in the depressed condition

Do we require the present existing volume of currency? In 1860, before the normal monetary conditions of the country were disturbed by the rebellion, we had a circulation of about \$207,000,000 of bank notes, in all the States, with gold and silver of about \$140,000,000, in all \$347,000,000. The population at that time was, in round numbers, \$1,000,000. The amount of pager money per circulation. 10,00,000. The amount of paper money per captic, 80,000.00. The mount of paper money per captic, 80,000.00. while the paper money was, including
Inscitonal currency, in round numbers \$778,000,000,
which, acided to the gold and sulver, \$140,000,000.
made the total circulation authorized by law
\$918,000.000 — a per capita of \$223.80. Deducting the
gold and silver which is practically withdrawn
from the channes of business, and we have a
paper currency of \$778,000,000 and a per capita of
\$58.98, against \$207,000,000 and a per capita
control of the c

affect the gold and silver now estimated to be \$166,000,000, which would be increased by the sale of the new bonds to a much larger sum, so that the real contraction would not be oppressive or

the real contraction would not be oppressive or severe.

There would then remain of paper money \$500,000,000 in round numbers, with the power of \$500,000,000 in round numbers, with the power of \$800,000,000 in round the power of the second tenders, subject to expansion and contraction of amount by the demands of trade and the ability of banks to redeem.

This would still give us an aggregate of paper money one and a half times greater than was wanted before the war, with a population in-creased by only one-third.

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FREE BANKING.

How can we secure a uniform and stable circulation with a system of free banking applicable to all the States and under state supervision?

First—Let the federal government issue the circulation of the country.

Second—Circulation shall be issued only to banks duly organized under the laws of the State whereis located.

Third—Any bank so organized may, on the requisition of the State department which exercises supervisory power over it, receive as much circulation as it shall deposit United States boads with the general government to secure the redemption of its bills.

Fourth—The buils issued to one bank shall present the same appearance as those of like denomination issued to any other bank, except the imprint of the bill of the name and location of the bank, which shall indicate to what bank issued and by what bank redeemable.

First—All circulation so issued shall be redeemed by the bank to which it is issued, in specie, at one or more of the great money centres of the country.

Stath—All bills to be sent in the first instance to the Banking Department or other State department anthorized by law in the several States, for recristration before delivery to the banks.

Stend—The organization, direction and supervision of all banks, the rate of interest paid and all the practical details of banking to be left to the legislation of the several States.

The irree banking system of New York was regarded as the most perfect which was ever devised brior to the establishment or the national plan. The national plan that the gravest defects and interesting the most of its essential returns and indamental principles from the New York laws. It is in the novel and distinctive characteristics of the national plan that the gravest defects and indamental principles from the New York laws. It is not not be appeared to refer that the products of the nat

HORSE NOTES.

W. H. Wilson, of Cynthiana, Ky., purchased for a gentleman in Westchester county, New York, the fast trotting bay gelding Dick Jameson, by Joe Dowling for \$10,500.

Messrs. Lawrence & G. Lorillard have purchased from John Hunter the brown two year colt Ambush, by Australian, dam Dolly Morgan, by Revenue.

J. L. Eoff, the well known trainer and driver of

trotting horses, has been ruled off the Bay District Fair Ground track at San Francisco for life for abusing the Clerk of the Course. Eoff has been

wery unpopular for a long time, and this ruling has not been unexpected.

The San Francisco Chronicle of the 5th inst. says that the trotting horse Sam Purdy was given a trial of two miles and repeat, and that he trotted the first heat in 4:47 and the second in 4:45, without a break in either neat.

J. D. Waiton will winter, at his stables in Thirty-mith street, the joilwing well known trutters. ninth street, the following well known trotters:

Bay stallion Redwing, by Badger, with a record
of 2:31.

Bay mare Nellie Waiton, by Jules Jurguson, with

Bay mare Nellie Waiton, by Jules Jurguson, with a record of 2:32.
Bay gelding Harry Waiton, by Jules Jurguson, with a record of 2:35.
Bay mare Anidget, by Jules Jurguson, with a record of 2:35.
Bay mare Francis, by Happy Medium.
Bay mare Francis, by Happy Medium.
Bay mare Perischon, by Winthrop Morrill.
Bay mare Bessie Knox, by General Knox.
Sorrel geloing Frank, by General Knox.
Sorrel geloing Frank, by General Knox.
Bay stallion Von Moitke, six years old.
Ben Daniels is wintering a lour-year-old bay filly, a sister to Bella, and a bay lour-year-old gelding, by Jupiter, in Intry-unith street. These two youngsters are very promising, and are nicely broken to double and single harness.

The Melbourne Cup was won, as the telegram told us some weeks back, by Haricot, a son of Lady-kirk, out of Saucepan. Ladykirk, the ste of the winner, was bred by Sir Tatton Sykes, as was Saucepan, the dam. Ladykirk was got by Daniel O'Rourke, out of a Sleight-oi-Hand mare, and Saucepan by Colsterdate, out of a Daniel O'Rourke mare (sister to Grieiron). Both sire and dam were snipped to Austialia in 1863.

TROTTING ON LAKE CHAMPLAIN.

mare (sister to Gridicon). Both sire a snipped to Australia in 1863.

The Whitehall Trotting Club Association gave a trotting meeting last week on the ice of Lake Cham-plain which was well attended and produced fine sport for the spectators. The meeting was highly successful. The following races came off, the first second for 3 minute norses, and the third free for

SUMMARIES.

THE HELL GATE IMPROVEMENTS.

RECOMMENDATIONS FROM THE EAST SIDE AS A meeting of the General Committee of the East

Side Association of the City of New York was held at the rooms of the association, corner of Eightysixth street and Third avenue, last Saturday even ing, when the following resolutions were unant-

ing, when the following resolutions were unanimously adopted:—

Whereas the time has again arrived when action is desired on the part of Congress toward the successful carrying on of the work in progression removing the obstructions in the hask giver entrance to the New York harbor, and it is the oblinion of competent engineers that many years will be required to complete the removal of those obstructions at the rate of progress, herefolders made, and that, with appropriations adequate for the purpose, the work could be completed within a very short period of time; therefore, it is considered that the growth of the commerce of this constitution of the standard of the standard of the standard of the largest towards, the thousand the standard of the largest towards, the thousand the standard of time constantly recurring delays to fleer and expense to all transatiantic steamers, are consuler attons imperatively demanding that this great work shall be completed at the earliest possible period; and with that view we respectfully but urgently requested to use every proper effor to secure at the present session an appropriation of at least \$5.000 for that object.

Resolved, That our Senators and Representatives in appropriation of at least \$5.000 for that object; that amount being no larger man is necessary to enable all the men to be employed that can be worked to advanting.

The Committee on Hell Gate Improvements.

The Committee on Hell Gate Improvements, Messrs. Edward Roberts, Charles Crary and T. J. Cromble, were authorized to prepare a memorial to Congress in accordance with the lorgoing

JERSEY CITY'S DEFAULTING TREAS-URER.

Alexander Hamilton, the defaulting treasurer or

Jersey City was brought into the Court of Quarter Sessions at Jersey City yesterday to renew his bonds. District Attorney Garretson asked h.m. if be would be ready for trial when called on and he replied in the affirmative. On being called to give security his father appeared and tendered ball for him, the amount being fixed at \$15,000. The trial was set down for next Tuesday. Hamilton and Kienen met face to face and they greeted each